

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

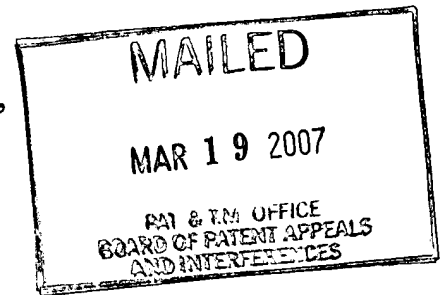
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Ex parte ANTONIO S. CRUZ-URIBE,  
DAVID C. COLLINS, and  
JEFFREY ALLEN NIELSEN

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Application No. 10/620,860

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on October 30, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On May 12, 2006, appellants filed an Appeal Brief under 37 CFR § 41.37. A review of the file reveals that the "Summary of Claimed Subject Matter," as required by § 41.37(c)(1)(v), is not properly set forth. 37 CFR § 41.37(c)(1)(v) specifies:

(v) ***Summary of claimed subject matter.*** A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

For reasons set forth above, independent claims 1, 7, 27, 37, and 39 must be mapped to the specification, including page and line numbers, and drawing reference characters, if any.

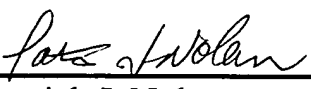
Accordingly, it is

**ORDERED** that the application is returned to the Examiner:

- 1) to hold the Appeal Brief of May 12, 2006 defective for not properly setting forth the “Summary of Claimed Subject Matter,” as required by § 41.37(c)(1)(v);
- 2) notify applicants to file a substitute Appeal Brief in compliance with the 37 CFR § 41.37;

- 3) for the examiner to consider the substitute Appeal Brief, and if necessary, vacate the examiner's answer mailed July 20, 2006, and issue a revised Examiner's Answer in accordance with the new rules effective September 13, 2004; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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Deputy Chief Appeals Administrator  
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PJN/dal

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